

#16  
01/13/00

Ref No: PB340P2  
Serial No: 08/961,083

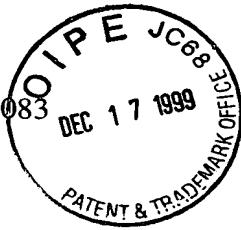
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Choi et al.

Application Serial No.: 08/961,083

Filed: October 30, 1997

For: Streptococcus Pneumoniae Antigens  
and Vaccines



Art Unit: 1641

Examiner: Hines, J.

Attorney Docket No.: **PB340P2**

**PETITION UNDER 37 C.F.R. § 1.48(a)(1) TO  
CORRECT INVENTORSHIP IN A NONPROVISIONAL  
PATENT APPLICATION**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicants petition to correct inventorship in the above-captioned nonprovisional patent application for which an oath or declaration has already been filed. Specifically, Applicants petition to change the inventorship in this application

**from:** Gil H. Choi, Charles A. Kunsch, Alex Hromockyj and L. Sydnor Johnson

**to:** Gil H. Choi, Charles A. Kunsch, Alex Hromockyj, L. Sydnor Johnson, Steven C. Barash, Patrick J. Dillon, Brian Dougherty, Michael R. Fannon and Craig A. Rosen.

In addition to the instant petition, it is noted that further submitted herewith is a Petition Under 37 C.F.R. § 1.48(b)(1) to delete inventors. Accordingly, the inventive entity after the granting of both petitions will be:

Gil H. Choi, Charles A. Kunsch, Steven C. Barash, Patrick J. Dillon,  
Brian Dougherty, Michael R. Fannon and Craig A. Rosen.

17/2001.007 0000021 0000035 01861061  
17/2001.007 0000021 0000035 01861061

- (1) This petition is accompanied by: A statement from each person to be added as an inventor, stating that the error in inventorship was made without deceptive intent on his or her part;
- (2) An oath or declaration by the actual inventor or inventors as required by 37 C.F.R. § 1.63 or as permitted by 37 C.F.R. §§ 1.42, 1.43 and 1.47;
- (3) The written consent of the assignee of the originally named inventors;
- (4) A certification under 37 C.F.R. § 3.73(b) executed by the assignee named in part (3); and

A petition fee of \$130.00 under 37 C.F.R. §1.17(i) is believed to be due. However, if the Patent and Trademark Office determines otherwise, please charge the required fee to Human Genome Sciences, Inc., deposit account no. 08-3425. A copy of this sheet is enclosed.

Respectfully submitted,

Date: December 17, 1999



Kenley K. Hoover (Reg. No. 40,302)  
Attorney for Applicants

**Human Genome Sciences, Inc.**  
9410 Key West Avenue  
Rockville, MD 20850  
(301) 610-5771 (phone)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Choi et al.

Application Serial No.: 08/961,083

Art Unit: 1641

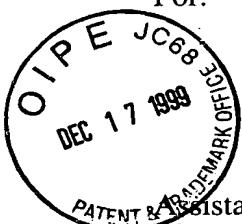
Filed: October 30, 1997

Examiner: Hines, J.

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and Vaccines

Attorney Docket No.: PB340P2

**PETITION UNDER 37 C.F.R. § 1.48(b)(1) TO  
CORRECT INVENTORSHIP IN A NONPROVISIONAL  
PATENT APPLICATION**



Assistant Commissioner  
for Patents  
Washington, D.C. 20231

Sir:

Applicants petition to correct inventorship in the above-captioned nonprovisional patent application. Prosecution of the application has resulted in the amendment or cancellation of claims so that fewer than all of the currently named inventors are the actual inventors of the invention being claimed in the application.

Specifically, Applicants petition to delete Alex Hromockyj and L. Sydnor Johnson from the inventive entity as their contributions are no longer claimed in the application. Accordingly, upon granting of this petition, the inventive entity will be changed

*from:* Gil H. Choi, Charles A. Kunsch, Alex Hromockyj and L. Sydnor Johnson

*to:* Gil H. Choi and Charles A. Kunsch.

In addition to the instant petition, it is noted that further submitted herewith is a Petition Under 37 C.F.R. § 1.48(a)(1) to add inventors. Accordingly, the inventive entity after the granting of both petitions will be:

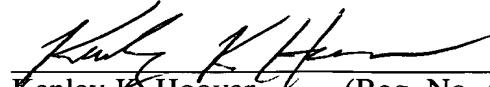
Gil H. Choi, Charles A. Kunsch, Steven C. Barash, Patrick J. Dillon, Brian Dougherty, Michael R. Fannon and Craig A. Rosen.

This petition is accompanied by an amendment directing the cancellation of Alex Hromockyj and L. Sydnor Johnson from the inventive entity.

Applicant(s) hereby authorize the U.S. Patent and Trademark Office to charge the required fee of **\$130.00** to Deposit Account No. 08-3425. If any additional fees are deemed necessary, please charge our Deposit Account No. 08-3425. A duplicate copy of this petition is enclosed.

Respectfully submitted,

Date: December 17, 1997

  
\_\_\_\_\_  
Kenley K. Hoover (Reg. No. 40,302)  
Attorney for Applicants

**Human Genome Sciences, Inc.**  
9410 Key West Avenue  
Rockville, MD 20850  
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Enclosures

KKH/mbp

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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Application Serial No.: 08/961,083

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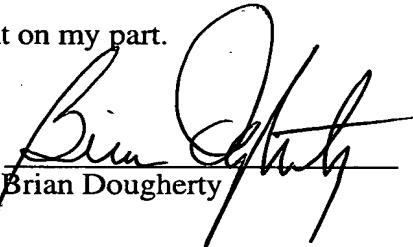
**STATEMENT UNDER 37 C.F.R. § 1.48(a)(1) OF A PERSON  
TO BE ADDED AS AN INVENTOR**

Assistant Commissioner for Patents  
Washington, D.C. 20231

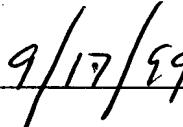
Sir:

I am a co-inventor of the invention of one or more claims in the above-captioned nonprovisional application for which an oath or declaration under 37 C.F.R. § 1.63 has been filed erroneously not naming me as an inventor. The inventorship error occurred without deceptive intent on my part.

Signed:

  
Brian Dougherty

Date:

  
9/17/99

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Choi et al.

Application Serial No.: 08/961,083 DEC 17 1999 Art Unit: 1641

Filed: October 30, 1997

Examiner: Hines, J.

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Attorney Docket No.: PB340P2



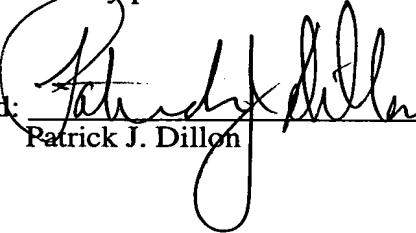
**STATEMENT UNDER 37 C.F.R. § 1.48(a)(1) OF A PERSON  
TO BE ADDED AS AN INVENTOR**

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Signed:

  
Patrick J. Dillon

Date:

9/20/99

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Application Serial No.: 08/961,083

Filed: October 30, 1997

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Art Unit: 1641

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Signed: Steven Barash Date: 9/25/99  
Steven C. Barash

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In re application of: Choi et al.

Application Serial No.: 08/961,083

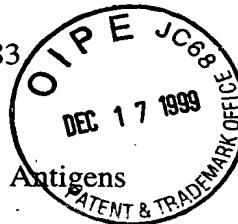
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Signed: Michael R. Fannon Date: 9/15/99  
Michael R. Fannon

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Application Serial No.: 08/961,083

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and Vaccines



Art Unit: 1641

Examiner: Hines, J.

Attorney Docket No.: PB340P2

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TO BE ADDED AS AN INVENTOR**

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Washington, D.C. 20231

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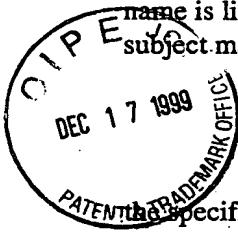
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Signed:   
Craig A. Rosen

Date: 1/15/99

**SUPPLEMENTAL DECLARATION FOR PATENT APPLICATION**

As a below named inventor, I declare that I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:



***Streptococcus pneumoniae Antigens and Vaccines***

The specification of which was filed on October 30, 1997 as U.S. Application Serial No. 08/961,083.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application, which designated at least one country other than the United States listed below, and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s):

<u>Priority Claimed</u>	
Yes	No

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(Number)

---

(Country)

---

(Day/Month/Year Filed)

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

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**60/029,960**  
(Application Serial No.)

---

**10/31/96**  
(Filing Date)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or under § 365(b) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56 that became available between the filing date of the prior application and the national or PCT international filing date of this application.

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(Application Serial No.)

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(Filing Date)

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(Status: patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: James H. Davis (Reg. No. 40,582), Kenley K. Hoover (Reg. No. 40,302), Joseph J. Kenny (Reg. No. 43,710) and Michele M. Wales (Reg. No. 43,975) of Human Genome Sciences, Inc. 9410 Key West Avenue, Rockville, Maryland, 20850.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**Full name of additional joint inventor:** Gil H. Choi

Inventor's signature:

Residence: 11429 Potomac Oaks Drive, Rockville, MD 20850 Date: KR  
Post Office Address: same as above Citizenship: US

**Full name of first joint inventor:** Charles A. Kunsch

Inventor's signature:

Residence: 4083 Spalding Hollow Norcross, GA 30092 Date: 9/14/09  
Post Office Address: same as above Citizenship: US

**Full name of additional joint inventor:** Steven C. Barash

Inventor's signature:

Residence: 111 Watkins Pond Blvd. #301 Rockville, MD 20850 Date: US  
Post Office Address: same as above Citizenship: US

**Full name of additional joint inventor:** Patrick J. Dillon

Inventor's signature:

Residence: 1055 Snipe Court, Carlsbad, CA 92009 Date: US  
Post Office Address: same as above Citizenship: US

**Full name of additional joint inventor:** Brian Dougherty

Inventor's signature:

Residence: 10 Rosemary Lane, Killingworth, CT 06419 Date: US  
Post Office Address: same as above Citizenship: US

**Full name of additional joint inventor:** Michael R. Fannon

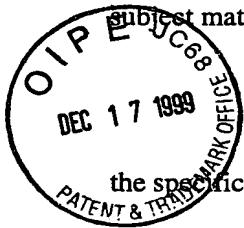
**Inventor's signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
**Residence:** 13501 Rippling Brook Drive, Silver Spring, MD 20906 **Citizenship:** US  
**Post Office Address:** same as above

**Full name of additional joint inventor:** Craig A. Rosen

**Inventor's signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
**Residence:** 22400 Rolling Hill Road, Laytonsville, MD 20882 **Citizenship:** US  
**Post Office Address:** same as above

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<u>Priority Claimed</u>	
Yes	No

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Full name of additional joint inventor: Gil H. Choi

Inventor's signature: 

Date: 9/14/99

Residence: 11429 Potomac Oaks Drive, Rockville, MD 20850

Citizenship: KR

Post Office Address: same as above

Full name of first joint inventor: Charles A. Kunsch

Inventor's signature:

Date:

Residence: 4083 Spalding Hollow Norcross, GA 30092

Citizenship: US

Post Office Address: same as above

Full name of additional joint inventor: Steven C. Barash

Inventor's signature:

Date:

Residence: 111 Watkins Pond Blvd. #301 Rockville, MD 20850

Citizenship: US

Post Office Address: same as above

Full name of additional joint inventor: Patrick J. Dillon

Inventor's signature:

Date:

Residence: 1055 Snipe Court, Carlsbad, CA 92009

Citizenship: US

Post Office Address: same as above

Full name of additional joint inventor: Brian Dougherty

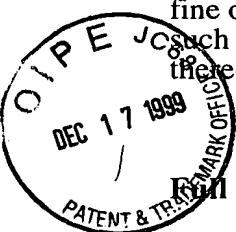
Inventor's signature:

Date:

Residence: 10 Rosemary Lane, Killingworth, CT 06419

Citizenship: US

Post Office Address: same as above



**Full name of additional joint inventor:**

Michael R. Fannon

**Inventor's signature:**

Residence: 13501 Rippling Brook Drive, Silver Spring, MD 20906

Date: \_\_\_\_\_

Post Office Address: same as above

Citizenship: US

**Full name of additional joint inventor:**

Craig A. Rosen

**Inventor's signature:**

Residence: 22400 Rolling Hill Road, Laytonsville, MD 20882

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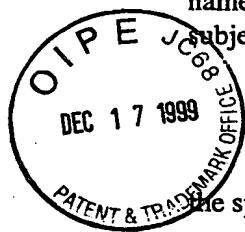
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The specification of which was filed on October 30, 1997 as U.S. Application Serial No. 08/961,083.

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Prior Foreign Application(s):

<u>Priority Claimed</u>	
Yes	No

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60/029,960

10/31/96

(Application Serial No.)

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Post Office Address: same as above

**Full name of additional joint inventor:** Steven C. Barash

Inventor's signature: Steven Barash Date: 9/15/99  
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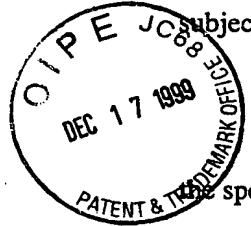
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<u>Priority Claimed</u>	
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(Number)

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(Country)

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(Status: patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: James H. Davis (Reg. No. 40,582), Kenley K. Hoover (Reg. No. 40,302), Joseph J. Kenny (Reg. No. 43,710) and Michele M. Wales (Reg. No. 43,975) of Human Genome Sciences, Inc. 9410 Key West Avenue, Rockville, Maryland, 20850.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**Full name of additional joint inventor:** Gil H. Choi

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Residence: 11429 Potomac Oaks Drive, Rockville, MD 20850 Citizenship: KR  
Post Office Address: same as above

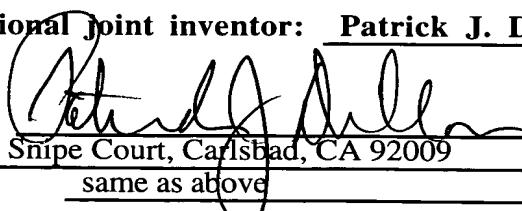
**Full name of first joint inventor:** Charles A. Kunsch

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Residence: 4083 Spalding Hollow Norcross, GA 30092 Citizenship: US  
Post Office Address: same as above

**Full name of additional joint inventor:** Steven C. Barash

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Residence: 111 Watkins Pond Blvd. #301 Rockville, MD 20850 Citizenship: US  
Post Office Address: same as above

**Full name of additional joint inventor:** Patrick J. Dillon

Inventor's signature:  Date: 9/20/99  
Residence: 1055 Snipe Court, Carlsbad, CA 92009 Citizenship: US  
Post Office Address: same as above

**Full name of additional joint inventor:** Brian Dougherty

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Residence: 10 Rosemary Lane, Killingworth, CT 06419 Citizenship: US  
Post Office Address: same as above

**Full name of additional joint inventor:**

**Michael R. Fannon**

**Inventor's signature:**

**Date:**

**Residence:** 13501 Rippling Brook Drive, Silver Spring, MD 20906

**Citizenship:** US

**Post Office Address:** same as above

**Full name of additional joint inventor:**

**Craig A. Rosen**

**Inventor's signature:**

**Date:**

**Residence:** 22400 Rolling Hill Road, Laytonsville, MD 20882

**Citizenship:** US

**Post Office Address:** same as above

**SUPPLEMENTAL DECLARATION FOR PATENT APPLICATION**



As a below named inventor, I declare that I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

***Streptococcus pneumoniae Antigens and Vaccines***

the specification of which was filed on **October 30, 1997** as U.S. Application Serial No. **08/961,083**.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application, which designated at least one country other than the United States listed below, and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s):

<u>Priority Claimed</u>	
Yes	No

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(Number)

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(Country)

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(Day/Month/Year Filed)

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

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**60/029,960**  
(Application Serial No.)

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**10/31/96**  
(Filing Date)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or under § 365(b) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56 that became available between the filing date of the prior application and the national or PCT international filing date of this application.

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(Application Serial No.)

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(Filing Date)

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(Status: patented, pending, abandoned)

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Residence: 11429 Potomac Oaks Drive, Rockville, MD 20850 Citizenship: KR  
Post Office Address: same as above

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Residence: 1055 Snipe Court, Carlsbad, CA 92009 Citizenship: US  
Post Office Address: same as above

**Full name of additional joint inventor:** Brian Dougherty

Inventor's signature: Brian Dougherty Date: 9/19/99  
Residence: 10 Rosemary Lane, Killingworth, CT 06419 Citizenship: US  
Post Office Address: same as above

Full name of additional joint inventor: Michael R. Fannon

Inventor's signature: Michael R. Fannon Date: 9/15/99  
Residence: 13501 Rippling Brook Drive, Silver Spring, MD 20906 Citizenship: US  
Post Office Address: same as above

Full name of additional joint inventor: Craig A. Rosen

Inventor's signature: Craig A. Rosen Date: 9/15/99  
Residence: 22400 Rolling Hill Road, Laytonsville, MD 20882 Citizenship: US  
Post Office Address: same as above

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Choi et al.

Application Serial No.: 08/961,083

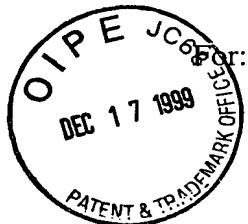
Art Unit: 1641

Filed: October 30, 1997

Examiner: Hines, J.

For: Streptococcus Pneumoniae Antigens  
and Vaccines

Attorney Docket No.: PB340P2



**CONSENT OF ASSIGNEE**  
**UNDER 37 C.F.R. § 1.48(a)(4)**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Human Genome Sciences, Inc., assignee of the entire right, title and interest of  
the originally named inventors of the above-captioned application, consents to the  
change in inventorship

**from:** Gil H. Choi, Charles A. Kunsch, Alex Hromockyj, L. Sydnor Johnson

**to:** Gil H. Choi, Charles A. Kunsch, Alex Hromockyj, L. Sydnor Johnson,

Steven C. Barash, Patrick J. Dillon, Brian Dougherty, Michael R.

Fannon and Craig A. Rosen.

For: Human Genome Sciences, Inc.

Signature: J - H D

Type or Print Name: James H. Davis

Title: Senior Vice President and General Counsel

Date: December 9, 1999

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Choi et al.

Application Serial No.: 08/961,083

Art Unit: 1641

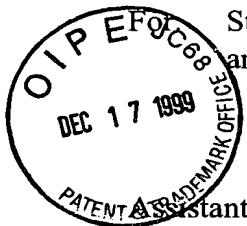
Filed: October 30, 1997

Examiner: Hines, J.

Streptococcus Pneumoniae Antigens  
and Vaccines

Attorney Docket No.: PB340P2

**CERTIFICATE UNDER 37 C.F.R. § 3.73(b)**



Assistant Commissioner  
for Patents  
Washington, D.C. 20231

Sir:

**Human Genome Sciences, Inc. a corporation**, states that it is:

1.  the assignee of the entire right, title, and interest, or
2.  an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

A.  An Assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B.  A chain of title from the inventor(s) of the patent application/patent identified above to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

[ ] Additional documents in the chain of title are listed on a supplemental sheet.

[X] Copies of assignments or other documents in the chain of title are attached.

**[NOTE:** A separate copy (*i.e.*, the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the PTO. See MPEP 302-302.8]

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

Date: 9 December 1999

Name: James H. Davis

Title: Senior Vice President and General Counsel

Signature: 